

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias

Subfile No. CHNU-002-0014
Inter se Objection

REQUEST FOR SCHEDULING CONFERENCE

The Plaintiff State of New Mexico, *ex rel.* State Engineer requests the Court to hold a scheduling conference under Rule 16 of the Federal Rules of Civil Procedure for the defendants and associated subfiles described below in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System.

In July 2011, the State of New Mexico initiated *inter se* proceedings in the Rio Nutrias Subsection. *See Notice of Proposed Partial Final Judgment and Decree on Surface Water Irrigation Rights in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System* filed July 21, 2011 (Doc. No. 10519) (“*Notice*”). On December 12, 2011 (Doc. No. 10664), Filiberto Ulibarri and Domitilia L. Ulibarri filed objections to the proposed decree of water right of Lucia A. Montoya and Robert J. Montoya in Subfile CHNU-002-0014. No other *inter se* objections were filed with the Court. *See Report on Inter Se Objections* filed February 26, 2011 (Doc. No. 10674). Other than Lucia A. and Robert A. Montoya, no defendants in the Rio Nutrias Subsection filed a notice of intent

to participate in the *inter se* proceedings to resolve this objection. *See Status Report on Inter Se Proceedings* filed November 19, 2012 (Doc. No. 10877).

Pursuant to the Court's July 21, 2011 *Notice*, the State of New Mexico requests that the Court hold a mandatory scheduling and pretrial conference to determine how the *inter se* objections of Filiberto Ulibarri and Domitilia L. Ulibarri will be heard by the Court and to enter a scheduling order to resolve those objections.

The names and addresses of all parties to whom notice of the conference should be given, and who should be required to attend, either in person by counsel, are as follows:

Filiberto Ulibarri
Domitilia L. Ulibarri
c/o John W. Utton, Esq.
Sheehan & Sheehan, P.A.
Albuquerque, New Mexico 87103

Robert J. Montoya
Lucia A. Montoya
P.O. Box 244
Tierra Amarilla, New Mexico 87575

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of January, 2013 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Robert J. Montoya
Lucia A. Montoya
P.O. Box 244
Tierra Amarilla, New Mexico 87575

Bruce S. Garber, Esq.
Garber & Hallmark, PC
P.O. 850
Santa Fe, NM 87504-0850

/s/ Ed Newville
EDWARD G. NEWVILLE